



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,506	11/05/2003	Todd Silverstein	Requent 02.01	7649

7590 06/05/2007
Kevin M. Drucker
Mendelsohn & Associates, P.C.
405, 1500 John F. Kennedy Blvd.
Philadelphia, PA 19102

EXAMINER

AIRAPETIAN, MILA

ART UNIT	PAPER NUMBER
----------	--------------

3625

MAIL DATE	DELIVERY MODE
-----------	---------------

06/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/701,506

Applicant(s)

SILVERSTEIN ET AL.

Examiner

Mila Airapetian

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 02 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 124-235 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 124-235 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant's amendment received on 03/02/2007 is acknowledged and entered. The applicant has amended claims 124, 125, 127-133, 138-142, 144, 146-148, 154, 157-161, 163-166, 169-216, added claims 217-235. Currently, claims 124-235 are pending for examination.

Claim Rejections - 35 USC § 112

Claim Rejections - 35 USC § 112 had been withdrawn due to Applicant's amendment.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 124-139, 141, 142, 144, 145, 147-151, 153, 155, 160-164, 166, 217, 220, 223, 224, 225, 230-232 are rejected under 35 U.S.C. 102(e) as being anticipated by Fredlund et al. (US 2002/0181009).

Art Unit: 3625

Claim 124. Fredlund et al. (Fredlund) teaches a computer-implemented method of purchasing products, comprising:

- (a) receiving identification of at least one product or service available for purchase at any venue in a set of one or more venues [0032];
- (b) presenting to a purchaser, via a communications device, a list of the at least one product or service [0032];
- (c) receiving via the communications device, an instruction from the purchaser to purchase at least one selected product or service from the list for a specified recipient different from the purchaser [0034], wherein at least one selected product or service:
 - (i) is capable of being provided to the recipient in person at any venue in the set of one or more venues without the purchaser or the recipient providing any input other than the instruction from the purchaser [0029], [0030]; and
 - (ii) is available for purchase in person at any venue in the set of one or more venues [0034];
- (d) providing to the recipient a notification corresponding to the instruction [0034].

Claim 125. Fredlund teaches said method wherein the notification further comprises an identifier that the recipient presents or redeems in person at any venue in the set of one or more venues to receive the at least one selected product or service (Fig. 10(b); [0031]).

Claim 126. Fredlund teaches said method wherein the identifier comprises at least one of (i) at least a portion of the name of the recipient and (ii) an alphabetic, numeric, or alphanumeric expression (Fig. 10(b); [0030]).

Claim 127. Fredlund teaches said method wherein the identifier is adapted to be printed on a medium that the recipient presents or redeems at any venue in the set of one or more venues to receive the at least one selected product or service (Fig. 10(b); [0031]).

Claim 128. Fredlund teaches said method further comprising storing a physical device identifier corresponding to a physical device that the recipient presents at any venue in the set of one or more venues to receive the at least one selected product or service [0047].

Claim 129. Fredlund teaches said method further comprising:
(e) providing to at least one venue in the set of one or more venues, data enabling authentication of the recipient to receive the at least one selected product or service [0032], [0047], [0030].

Claim 130. Fredlund teaches said method wherein step (c) is performed at substantially the same time as presentation by the recipient at the at least one venue of (i) an identifier, (ii) a physical medium having an identifier printed thereon, or (iii) a physical device enabling authentication of the recipient to receive the at least one selected product or service [0047], [0032].

Claim 131. Fredlund teaches said method wherein step (e) further comprises providing the data enabling the authentication of the recipient to all of the venues of the set of one or more venues in advance of presentation by the recipient of an identifier, a physical medium having an identifier printed thereon, or a physical device by the

Art Unit: 3625

recipient enabling authentication of the recipient to receive the at least one selected product or service ([0030], lines 16-20), [0043].

Claim 132. Fredlund teaches said method wherein the data provided in step (c) comprises identification of the at least one selected product or service [0047], [0032].

Claim 133. Fredlund teaches said method further comprising:

(e) storing instruction data associated with the instruction indicating that the recipient is entitled to the at least one selected product or service [0029], [0030];

(f) receiving redemption data from a venue indicating that the at least one selected product or service has been provided to the recipient [0053]; and

(g) updating the instruction data to indicate that the at least one selected product or service has been provided [0053].

Claim 134. Fredlund teaches said method further comprising providing data corresponding to the instruction for storage on at least one local storage medium at least one venue in the set of one or more venues [0027].

Claim 135. Fredlund teaches said method further comprising storing data corresponding to the instruction on a server remote from the set of one or more venues [0026].

Claim 136. Fredlund teaches said method wherein the set of one or more venues includes two or more venues (Fig. 1; [0026]).

Claim 137. Fredlund teaches said method wherein the two or more venues comprise a plurality of sites associated with a chain of establishments [0048].

Claim 138. Fredlund teaches said method further comprising:

- (e) receiving a message specified by the purchaser [0043]; [0034]; and
- (f) providing the message to the recipient [0043]; [0034].

Claim 139. Fredlund teaches said method wherein the message comprises an audio message ([0043], automated telephone messages indicate audio messages).

Claim 142. Fredlund teaches said method further comprising electronically processing a payment from the purchaser for the at least one selected product or service [0010].

Claim 144. Fredlund teaches said method wherein the instruction specifies a plurality of selected products or services, each at a different set of one or more venues associated with the same recipient [0032].

Claim 147. Fredlund teaches said method further comprising:

- (e) providing data to enable displaying to the purchaser, on the communications device, a list of one or more possible venues [0034]; and
- (f) receiving from the purchaser a selection of the set of one or more venues from the list of one or more possible venues [0030], [0034].

Claim 151. Fredlund teaches said method wherein the device or token is a device operating according to an 802.11 standard (wireless indicates [0043]).

Claim 160. Fredlund teaches said method wherein further comprising providing identification of the at least one selected product or service to the recipient [0043] [0032], [0047].

Claim 161. Fredlund teaches said method, wherein the purchaser provides the instruction using a physical device located remotely from the venues in the set of one or more venues [0031].

Claim 162. Fredlund teaches said method further comprising receiving the instruction from the purchaser, wherein the purchaser provides the instruction using a physical device located at or near any one of the venues in the set of one or more venues [0031].

Claim 166. Fredlund teaches said method further comprising:

(e) storing an account balance for the purchaser [0049]; and

(f) debiting or crediting the account balance based on the instruction [0049].

Claim 217. See reasoning applied to claim 131.

Claim 220. See reasoning applied to claim 144.

Claim 223. See reasoning applied to claim 148.

Claim 224. See reasoning applied to claim 150.

Claim 225. See reasoning applied to claim 151.

Claim 230. See reasoning applied to claim 161.

Claim 231. See reasoning applied to claim 164.

Claim 232. See reasoning applied to claim 166.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3625

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 140, 141, 145, 153-155, 218, 219, 221, 227-229 are rejected under 35

U.S.C. 103(a) as being unpatentable over Fredlund.

Claim 140. Fredlund teaches receiving instructions from the recipient wherein said instruction comprises sending a thank you note to the purchaser after receiving a gift from the purchaser.

Fredlund does not teach:

(e) receiving an instruction from the recipient to purchase at least one selected product or service for the purchaser, the at least one selected product or service to be provided to the purchaser in person at any venue in a second set of one or more venues, and (f) providing to the recipient a notification corresponding to the instruction, wherein at least a portion of the instruction from the recipient is pre-supplied without input from the recipient.

However, Fredlund does teach:

(e) receiving an instruction from the purchaser to purchase at least one selected product or service for the purchaser, the at least one selected product or service to be provided to the purchaser in person at any venue in a second set of one or more venues [0029], [0030] [0058], and

(f) providing to the recipient a notification corresponding to the instruction, wherein the notification identifies the second set of one or more venues, wherein at least a portion of the instruction from the recipient is pre-supplied without

Art Unit: 3625

input from the recipient [0034].

Method steps recited in Fredlund would remain the same regardless who is the purchaser and who is the recipient, therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fredlund to include that said purchaser is a recipient, because it would advantageously allow to increase revenue.

Claim 141. Fredlund teaches said method wherein the pre-supplied portion comprises at least one of (i) a purchaser name, (ii) a purchaser email address, (iii) a purchaser text messaging address, (iv) one or more venues, (v) one or more selected products or services, and (vi) payment information (Fig. 9 (a) (item 44)).

Claim 145. Fredlund teaches said method wherein the instruction specifies a specific product or service for recipient associated with the set of one or more venues.

However, it would not be feasible to create such a system just for one recipient, therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fredlund to include plurality of different recipients, because it would advantageously allow to generate revenue.

Claim 153. Fredlund teaches said method wherein the purchaser (who can be a recipient) specifies the list of one or more possible venues, and further comprising receiving the list of one or more possible venues from the recipient [0034].

Fredlund does not teach that said purchaser is a recipient. However, method step recited in Fredlund would remain the same regardless who is the purchaser and who is the recipient, therefore, it would have been obvious to one of ordinary skill in the

Art Unit: 3625

art at the time the invention was made to modify Fredlund to include that said purchaser is a recipient, because it would advantageously allow to increase revenue.

Claim 154. Fredlund teaches said method including the recipient specifying the list of one or more possible venues and receiving of the instruction in step (a) [0029], [0030].

However, Fredlund does not teach that said specification and receipt of the instruction occurs at a substantially different time. However, Fredlund does not specifically teach that said "specification" and "receiving" steps are conducted substantially simultaneously or at the same time. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fredlund to include that said "specification" and "receiving" steps are conducted substantially simultaneously or at the same time, because it would advantageously allow the purchaser/recipient to take time to make a decision in selecting the most appropriate venue.

Claim 155. Fredlund teaches said method wherein the purchaser specifies a single venue as the list of one or more possible venues, the single venue being a venue at which the recipient is currently located [0029], [0030], [0034].

Fredlund does not teach that said purchaser is a recipient. However, method step recited in Fredlund would remain the same regardless who is the purchaser and who is the recipient, therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fredlund to include that said purchaser

Art Unit: 3625

is a recipient is a purchaser, because it would advantageously allow to increase revenue.

Claim 218. See reasoning applied to claim 140.

Claim 219. See reasoning applied to claim 141.

Claim 221. See reasoning applied to claim 145.

Claim 227. See reasoning applied to claim 153.

Claim 228. See reasoning applied to claim 154.

Claim 229. See reasoning applied to claim 155.

Claims 152, 156, 164, 165, 169, 226 and 234 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fredlund in view of Kraemer (US 2005/0022119).

Claim 152. Fredlund teaches all the limitations of claim 152 except using a historical list of one or more venues visited by the recipient to generate the list of possible venues.

Kraemer teaches a method for providing enhanced functionality to product web pages wherein the list of retailers may be suggested in response to the gift-recipient's previous selections [0035].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fredlund to include the list of one or more possible venues is generated based on a profile or criteria associated with the recipient, as disclosed in Kraemer, because it would advantageously allow to a gift giver to visit a

Art Unit: 3625

single location and access a gift registry which includes products from more than one retailer, as specifically taught by Kraemer [0011].

Claim 156. Fredlund teaches all the limitations of claim 156 except that the list of one or more possible venues is generated based on a profile or criteria associated with the recipient.

Kraemer teaches a method for providing enhanced functionality to product web pages wherein the list of retailers may be suggested in response to the gift-recipient's previous selections [0035].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fredlund to include the list of one or more possible venues is generated based on a profile or criteria associated with the recipient, as disclosed in Kraemer, because it would advantageously allow to a gift giver to visit a single location and access a gift registry which includes products from more than one retailer, as specifically taught by Kraemer [0011].

Claim 165. Fredlund teaches all the limitations of claim 165 except storing said list of the at least one product or service in a profile associated with the recipient.

Kraemer teaches a method for providing enhanced functionality to product web pages wherein sufficient information about the retailer and product are gathered and stored in an account created for the gift-recipient [0042].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fredlund to include storing the list of one or more available products or services in a profile associated with the recipient, as disclosed in

Art Unit: 3625

Kraemer, because it would advantageously facilitate future transactions such as purchasing the product. Furthermore, it would help select advertisements specifically targeted to the user, as specifically taught by Kraemer [0027].

Claim 169. Fredlund teaches all the limitations of claim 169 except that prior to receipt of the instruction from the purchaser, receiving from a recipient and providing to a plurality of purchasers a message indicating at least one desired product or service and/or at least one venue specified by the recipient.

Kraemer teaches a method for providing enhanced functionality to product web pages wherein the gift recipient's list of registered gifts are displayed to the gift giver [0046].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fredlund to include receiving from a recipient a list of desired goods or services, as disclosed in Kraemer, because it would advantageously allow to avoid duplicate gift purchases.

Claim 164. See reasoning applied to claim 169.

Claim 226. See reasoning applied to claim 152.

Claim 234. See reasoning applied to claim 169.

Claims 146 and 222 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fredlund in view of Webb (US 2002/0143664).

Claim 146. Fredlund teaches all the limitations of claim 146 except receiving, from a remote communications device used by the purchaser, a message indicating selection of a link (i) on a web or browser page or (ii) in an electronic or text message.

Webb teaches a method gift reminder and purchasing method wherein the user selects one of the URL links to connect to the gift merchant websites [0036].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fredlund to include selection of a link, as disclosed in Webb, because it would advantageously allow the user immediately purchase the gift without having to embark on their own search or without having to remember to go to retail store to buy the gift, as specifically taught by Webb [0039].

Claim 222. See reasoning applied to claim 146.

Claim 143 and 167 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fredlund in view of Belgrano (US 2003/0088497).

Claim 143. Fredlund teaches all the limitations of claim 143 except that the payment is a debit or credit of a non-money exchange medium.

Belgrano teaches a method for combining barter systems and currency systems wherein products are exchanged for trade dollars equal to the value of the product [0013].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fredlund to include that the payment is a debit or credit of a non-money exchange medium, as disclosed in Belgrano, because it would

Art Unit: 3625

advantageously allow to make payments for the goods in a situations where there is no common currency exchange, or for the specific purpose of avoiding the use of currency, as specifically taught by Belgrano [0007].

Claim 167. These limitations are covered and analyzed in claim 143 above.

Claims 168 and 233 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fredlund in view of O'Toole (US 2002/0178078).

Claim 168. Fredlund teaches all the limitations of claim 168 except that the instruction comprises a specified date and/or time for the notification to be provided to the recipient; and further comprising delaying the notification until the specified date and/or time.

O'Toole teaches a method for retaining clients by automated services fulfillment wherein the user can select a level of service for each client that determines when a card, note, letter or gift will be sent in the future on a specific date [0030].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fredlund to include that the instruction comprises a specified date and/or time for the notification to be provided to the recipient; and further comprising delaying the notification until the specified date and/or time, as disclosed in O'Toole, because it would advantageously allow to eliminate the need for reminders and a return to the site, or for the vendor to keep a paper list or electronic reminder list, as specifically taught by O'Toole [0030].

Claim 233. See reasoning applied to claim 168.

Claims 157, 158 and 159 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fredlund in view of Kontainen (US 2004/0219936).

Claim 157. Fredlund teaches all the limitations of claim 157 except:

(e) providing data to enable displaying to the purchaser, on the communications device, a list of one or more prospective recipients; and

(f) receiving from the purchaser the selection of a recipient from the list of one or more prospective recipients.

Kontainen teaches a method of distributing messages wherein (c) transmitting data to enable displaying to the purchaser, on a communications device, a list of one or more prospective recipients; and (d) receiving from the purchaser the selection of a recipient from the list of one or more prospective recipients [0045].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fredlund to include (c) transmitting data to enable displaying to the purchaser, on a communications device, a list of one or more prospective recipients; and (d) receiving from the purchaser the selection of a recipient from the list of one or more prospective recipients, as disclosed in Kontainen, because it would advantageously allow to avoid time-consuming modification of the recipient list by selecting suitable recipients or sorting out unsuitable recipients. Furthermore, the user would have to manually go through the list and select only those recipients the user is willing to contact, as specifically taught by Kontainen [0008].

Claim 158. Fredlund teaches all the limitations of claim 158 except:

(e) receiving location-based information from at least one communications device, and

(f) using the location-based information to generate the list of one or more prospective recipients.

Kontainen teaches a method of distributing messages wherein (c) receiving location-based information from at least one communications device, and (d) using the location-based information to generate the list of one or more prospective recipients [0045].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fredlund to include (c) transmitting data to enable displaying to the purchaser, on a communications device, a list of one or more prospective recipients; and (d) receiving from the purchaser the selection of a recipient from the list of one or more prospective recipients, as disclosed in Kontainen, because it would advantageously allow to avoid time-consuming modification of the recipient list by selecting suitable recipients or sorting out unsuitable recipients. Furthermore, the user would have to manually go through the list and select only those recipients the user is willing to contact, as specifically taught by Kontainen [0008].

Claim 159. Fredlund teaches all the limitations of claim 159 except:

(e) receiving data from a profile or criteria associated with at least one of the recipients; and

(f) generating the list of one or more prospective recipients based on the data from the profile or criteria.

Art Unit: 3625

Kontainen teaches a method of distributing messages wherein (c) receiving data from a profile or criteria associated with at least one of the recipients; and (d) generating the list of one or more prospective recipients based on the data from the profile or criteria.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fredlund to include (c) transmitting data to enable displaying to the purchaser, on a communications device, a list of one or more prospective recipients; and (d) receiving from the purchaser the selection of a recipient from the list of one or more prospective recipients, as disclosed in Kontainen, because it would advantageously allow to avoid time-consuming modification of the recipient list by selecting suitable recipients or sorting out unsuitable recipients. Furthermore, the user would have to manually go through the list and select only those recipients the user is willing to contact, as specifically taught by Kontainen [0008].

Claims 170-216 rejected on the same rationale as set forth above in claims 124-169.

Claims 148-150 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fredlund in view of Ding et al. (US 2002/0059111).

Claim 148. Fredlund teaches all the limitations of claim 148 except:

receiving location-based information obtained from a device or token associated with the recipient.

Art Unit: 3625

Ding et al. (Ding) teaches a method for placing and filling remote orders wherein a cellular telephone or other wireless communication network is used to identify the customer location [0016], [0021].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fredlund to include receiving location-based information obtained from a device or token associated with the recipient, as disclosed in Ding, because it would advantageously allow customers not to know which vendors are within close proximity nor which target vendor is closest to the present customer location or otherwise most convenient for the customer, as specifically taught by Ding [0016].

Claim 149. Ding teaches use of mobile device [0021]. Ding does not teach that said device include RF tag. However, Fredlund does teach the use of RF tags. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fredlund to include that the device is and RFID tag, because the use of RF technology would be less expensive than the use of mobile devices.

Claim 150. See reasoning applied to claim 148.

Response to Arguments

Applicant's arguments filed 03/02/2007 have been fully considered but they are not persuasive.

Applicant argues that the prior art does not teach that the product or service being purchased be “capable of being provided to the recipient in person at any venue in the set of one or more venues without the purchaser or the recipient providing any input other than the instruction from the purchaser”. Providing an image to be printed on one or more products (tee-shirt, mug, calendar, puzzle, mouse pad, book bag, etc.) can be understood as instructions from the purchaser. Therefore, it is noted that Fredlund does, in fact, teach said feature [0032].

In response to Applicant’s argument that the prior art does not teach transmitting authentication data to all of the venues in the set of one or more venues prior to the recipient presenting an identifier or device to authenticate the recipient’s receipt of a product or service, it is note that Fredlund explicitly teaches storing the recipient identifier at the server prior the sending notification to the recipient and therefore prior to “presentation” step [0030], [0040].

Applicant argues that the prior art does not disclose a single purchase instruction that specifies a plurality of products or services to purchase, wherein each of the products or services is at a different set of one or more venues associated with the same recipient. The claim requires specify the plurality of selected products or services at least one venue associated with the same recipient, which explicitly disclosed in Fredlund [0034].

In response to Applicant’s argument that the prior art does not teach a single instruction that specifies a product or service to purchase for each of a plurality of different recipients associated with the same set of one or more venues, it is noted that

Art Unit: 3625

while Fredlund teaches a recipient, it would not be feasible to create such a system just for one recipient, therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fredlund to include plurality of different recipients, because it would advantageously allow to generate revenue

In response to Applicant's argument that the prior art does not teach that clicking on the link actually initiates an instance of a purchase instruction, it is noted that Webb was applied for this feature [0033].

In response to Applicant's argument that the prior art does not teach location-based information obtained from a device or token, it is noted that Ding was applied for this feature [0021].

In response to Applicant's argument that the prior art does not teach storing an account balance for the purchaser, it is noted that the use of credit card in Fredlund suggests said feature [0049].

In response to Applicant's argument that the prior art does not teach "the instruction specify date and/or time for a notification corresponding to the instruction to be provided to the recipient", it is noted that O'toole was applied for this feature [0030].

In response to Applicant's argument that the prior art does not teach receiving from a recipient and transmitting to a plurality of purchasers a message indicating at least one desired good or service and/or at least one venue specified by the recipient, it is noted that Kreamer was applied to this feature [0046].

Art Unit: 3625

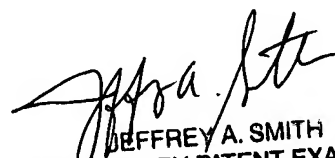
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mila Airapetian whose telephone number is (571) 272-3202. The examiner can normally be reached on Monday-Friday 9:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MA


JEFFREY A. SMITH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600